

(C) Priority

In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) Use of funds

An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) Report

If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger free-communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title IV, § 4405, May 22, 2008, 122 Stat. 1138; Pub. L. 110-246, § 4(a), title IV, § 4405, June 18, 2008, 122 Stat. 1664, 1899.)

REFERENCES IN TEXT

H. Con. Res. 302 (102nd Congress), referred to in subsec. (a)(3), is H. Con. Res. 302, Oct. 5, 1992, 106 Stat. 5204, which is not classified to the Code.

The Richard B. Russell National School Lunch Act, referred to in subsec. (b)(2)(A)(ii)(II), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Emergency Food Assistance Act of 1983 which comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

Section effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 1161 of Title 2, The Congress.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

CHAPTER 103—AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM

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§ 7601. Definitions

In this Act:

(1) 1862 Institution

The term “1862 Institution” means a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.).

(2) 1890 Institution

The term “1890 Institution” means a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.

(3) 1994 Institution

The term “1994 Institution” means 1 of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)) (as amended by section 251(a)).

(4) Advisory Board

The term “Advisory Board” means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title.

(5) Department

The term “Department” means the Department of Agriculture.

(6) Hispanic-serving agricultural colleges and universities

The term “Hispanic-serving agricultural colleges and universities” has the meaning given the term in section 3103 of this title.

(7) Secretary

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 105–185, §2, June 23, 1998, 112 Stat. 525; Pub. L. 110–234, title VII, §7129(c)(1), May 22, 2008, 122 Stat. 1226; Pub. L. 110–246, §4(a), title VII, §7129(c)(1), June 18, 2008, 122 Stat. 1664, 1988.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 105–185, June 23, 1998, 112 Stat. 523, as amended, known as the Agricultural Research, Extension, and Education Reform Act of 1998. For complete classification of this Act to the Code, see Short Title note below and Tables.

Act of July 2, 1862, referred to in par. (1), is act July 2, 1862, ch. 130, 12 Stat. 503, popularly known as the “Morrill Act” and also as the “First Morrill Act”, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, referred to in par. (2), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also

as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

Section 251(a), referred to in par. (3), is section 251(a) of Pub. L. 105–185.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Pars. (6), (7). Pub. L. 110–246, §7129(c)(1), added par. (6) and redesignated former par. (6) as (7).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

SHORT TITLE

Pub. L. 105–185, §1(a), June 23, 1998, 112 Stat. 523, provided that: “This Act [see Tables for classification] may be cited as the ‘Agricultural Research, Extension, and Education Reform Act of 1998’.”

SUBCHAPTER I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

§ 7611. Standards for Federal funding of agricultural research, extension, and education**(a) In general**

The Secretary shall ensure that agricultural research, extension, or education activities described in subsection (b) of this section address a concern that—

- (1) is a priority, as determined under section 7612(a) of this title; and
- (2) has national, multistate, or regional significance.

(b) Application

Subsection (a) of this section applies to—

- (1) research activities conducted by the Agricultural Research Service; and
- (2) research, extension, or education activities administered, on a competitive basis, by the National Institute of Food and Agriculture.

(Pub. L. 105–185, title I, §101, June 23, 1998, 112 Stat. 526; Pub. L. 110–234, title VII, §7511(c)(29), May 22, 2008, 122 Stat. 1270; Pub. L. 110–246, §4(a), title VII, §7511(c)(29), June 18, 2008, 122 Stat. 1664, 2031.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110–246, §7511(c)(29), substituted “National Institute of Food and Agriculture” for “Cooperative State Research, Education, and Extension Service”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the

date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(29) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

§ 7612. Priority setting process

(a) Establishment

Consistent with section 3101 of this title, the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

(b) Responsibilities of Secretary

In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education.

(c) Responsibilities of 1862, 1890, and 1994 Institutions and Hispanic-serving agricultural colleges and universities

(1) Process

Effective October 1, 1999, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, 1994 Institution, and Hispanic-serving agricultural college and university shall establish and implement a process for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of the funds.

(2) Regulations

The Secretary shall promulgate regulations that prescribe—

(A) the requirements for an institution referred to in paragraph (1) to comply with paragraph (1); and

(B) the consequences for an institution of not complying with paragraph (1), which may include the withholding or redistribution of funds to which the institution may be entitled until the institution complies with paragraph (1).

(d) Management principles

To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, extension, and education activities are accomplished in a manner that—

(1) integrates agricultural research, extension, and education functions to better link research to technology transfer and information dissemination activities;

(2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources; and

(3) achieves agricultural research, extension, and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.

(Pub. L. 105-185, title I, §102, June 23, 1998, 112 Stat. 526; Pub. L. 110-234, title VII, §7129(c)(2),

May 22, 2008, 122 Stat. 1227; Pub. L. 110-246, §4(a), title VII, §7129(c)(2), June 18, 2008, 122 Stat. 1664, 1988.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, §7129(c)(2), inserted “and Hispanic-serving agricultural colleges and universities” after “Institutions” in heading and substituted “1994 Institution, and Hispanic-serving agricultural college and university” for “and 1994 Institution” in par. (1).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7613. Relevance and merit of agricultural research, extension, and education funded by the Department

(a) Review of National Institute of Food and Agriculture

(1) Peer review of research grants

The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the National Institute of Food and Agriculture of the Department.

(2) Merit review of extension and education grants

(A) Establishment of procedures

The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the National Institute of Food and Agriculture.

(B) Consultation with Advisory Board

The Secretary shall consult with the Advisory Board in establishing the merit review procedures.

(3) Consideration

Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.

(b) Advisory Board review

On an annual basis, the Advisory Board shall review—

(1) the relevance to the priorities established under section 7612(a) of this title of the funding of all agricultural research, extension, or education activities conducted or funded by the Department; and

(2) the adequacy of the funding.

(c) Requests for proposals

(1) Review results

As soon as practicable after the review is conducted under subsection (b) of this section for a fiscal year, the Secretary shall consider the results of the review when formulating

each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

(2) Input

In formulating a request for proposals described in paragraph (1) for a fiscal year, the Secretary shall solicit and consider input from persons who conduct or use agricultural research, extension, or education regarding the prior year's request for proposals.

(d) Scientific peer review of agricultural research

(1) Peer review procedures

The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department.

(2) Review panel required

As part of the procedures established under paragraph (1), a review panel shall verify, at least once every 5 years, that each research activity of the Department and research conducted under each research program of the Department has scientific merit and relevance.

(3) Mission area

If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

- (A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 7612 of this title; and
- (B) the national or multistate significance of the activity or research.

(4) Composition of review panel

(A) In general

A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed.

(B) Scientists from colleges and universities

To the maximum extent practicable, the Secretary shall use scientists from colleges and universities to serve on the review panels.

(5) Submission of results

The results of the panel reviews shall be submitted to the Advisory Board.

(e) Merit review

(1) 1862 and 1890 Institutions

Effective October 1, 1999, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

- (A) establish a process for merit review of the activity; and
- (B) review the activity in accordance with the process.

(2) 1994 Institutions

Effective October 1, 1999, to be eligible to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

(3) Hispanic-serving agricultural colleges and universities

To be eligible to obtain agricultural extension funds from the Secretary for an activity, each Hispanic-serving agricultural college and university shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with such process.

(Pub. L. 105-185, title I, §103, June 23, 1998, 112 Stat. 527; Pub. L. 110-234, title VII, §§7129(c)(3), 7301, 7511(c)(30), May 22, 2008, 122 Stat. 1227, 1242, 1270; Pub. L. 110-246, §4(a), title VII, §§7129(c)(3), 7301, 7511(c)(30), June 18, 2008, 122 Stat. 1664, 1988, 2003, 2031.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section is comprised of section 103 of Pub. L. 105-185. Subsec. (f) of section 103 of Pub. L. 105-185 amended sections 361g, 3221, and 3222 of this title and repealed sections 346 and 3314 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7511(c)(30), substituted “National Institute of Food and Agriculture” for “Cooperative State Research, Education, and Extension Service” in heading and “the National Institute of Food and Agriculture” for “the Cooperative State Research, Education, and Extension Service” in text of pars. (1) and (2)(A).

Subsec. (a)(3). Pub. L. 110-246, §7301, added par. (3).

Subsec. (e)(3). Pub. L. 110-246, §7129(c)(3), added par. (3).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(30) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

§ 7614. Definitions

Except as otherwise provided in this section and sections 7614a to 7614c of this title,¹ in this section and sections 7614a to 7614c of this title:¹

(1) Capacity and infrastructure program

The term “capacity and infrastructure program” has the meaning given the term in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4)).¹

(2) Capacity and infrastructure program critical base funding

The term “capacity and infrastructure program critical base funding” means the aggregate amount of Federal funds made available for capacity and infrastructure programs for fiscal year 2006, as appropriate.

¹ See References in Text note below.

(3) Competitive program

The term “competitive program” has the meaning given the term in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4)).¹

(4) Competitive program critical base funding

The term “competitive program critical base funding” means the aggregate amount of Federal funds made available for competitive programs for fiscal year 2006, as appropriate.

(5) Hispanic-serving agricultural colleges and universities

The term “Hispanic-serving agricultural colleges and universities” has the meaning given the term in section 3103 of this title.

(6) NLGCA Institution

The term “NLGCA Institution” has the meaning given the term in section 3103 of this title.

(7) 1862 Institution; 1890 Institution; 1994 Institution

The terms “1862 Institution”, “1890 Institution”, and “1994 Institution” have the meanings given the terms in section 7601 of this title.

(Pub. L. 110-234, title VII, § 7501, May 22, 2008, 122 Stat. 1256; Pub. L. 110-246, § 4(a), title VII, § 7501, June 18, 2008, 122 Stat. 1664, 2018.)

REFERENCES IN TEXT

This section and sections 7614a to 7614c of this title, referred to in text, was in the original “this subtitle”, and was translated as meaning “this part”, meaning part I (§§ 7501 to 7506) of subtitle E of title VII of Pub. L. 110-246, June 18, 2008, 122 Stat. 2018, to reflect the probable intent of Congress.

Section 7511(a)(4), referred to in pars. (1) and (3), means section 7511(a)(4) of Pub. L. 110-246.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Agricultural Research, Extension, and Education Reform Act of 1998, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

§ 7614a. Roadmap**(a) In general**

Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary of Research, Education, and Economics (referred to in this section as the “Under Secretary”), shall commence preparation of a roadmap for agricultural research, education, and extension that—

- (1) identifies current trends and constraints;
- (2) identifies major opportunities and gaps that no single entity within the Department of Agriculture would be able to address individually;

(3) involves—

(A) interested parties from the Federal Government and nongovernmental entities; and

(B) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title;

(4) incorporates roadmaps for agricultural research, education, and extension made publicly available by other Federal entities, agencies, or offices; and

(5) describes recommended funding levels for areas of agricultural research, education, and extension, including—

(A) competitive programs;

(B) capacity and infrastructure programs, with attention to the future growth needs of—

(i) small 1862 Institutions, 1890 Institutions, and 1994 Institutions;

(ii) Hispanic-serving agricultural colleges and universities;

(iii) NLGCA Institutions; and

(iv) colleges of veterinary medicine; and

(C) intramural programs at agencies within the research, education, and economics mission area; and

(6) describes how organizational changes enacted by this Act have impacted agricultural research, extension, and education across the Department of Agriculture, including minimization of unnecessary programmatic and administrative duplication.

(b) Reviewability

The roadmap described in this section shall not be subject to review by any officer or employee of the Federal Government other than the Secretary (or a designee of the Secretary).

(c) Roadmap implementation and report

Not later than 1 year after the date on which the Secretary commences preparation of the roadmap under this section, the Secretary shall—

(1) implement and use the roadmap to set the research, education, and extension agenda of the Department of Agriculture; and

(2) make the roadmap available to the public.

(Pub. L. 110-234, title VII, § 7504, May 22, 2008, 122 Stat. 1257; Pub. L. 110-246, § 4(a), title VII, § 7504, June 18, 2008, 122 Stat. 1664, 2019.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

This Act, referred to in subsec. (a)(6), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651, known as the Food, Conservation, and Energy Act of 2008. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Ag-

ricultural Research, Extension, and Education Reform Act of 1998, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

§ 7614b. Review of plan of work requirements

(a) Review

The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements, including those requirements under—

- (1) sections 3221(d) and 3222(c) of this title;
- (2) section 361g of this title; and
- (3) section 344 of this title.

(b) Consultation

In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land-grant institutions.

(Pub. L. 110-234, title VII, §7505, May 22, 2008, 122 Stat. 1258; Pub. L. 110-246, §4(a), title VII, §7505, June 18, 2008, 122 Stat. 1664, 2020.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Agricultural Research, Extension, and Education Reform Act of 1998, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

§ 7614c. Budget submission and funding

(a) Definition of competitive programs

In this section, the term “competitive programs” includes only competitive programs for which annual appropriations are requested in the annual budget submission of the President.

(b) Budget request

The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for research, education, and extension activities of the Research, Education, and Economics mission area of the Department for that fiscal year and for the preceding 5 fiscal years.

(c) Capacity and infrastructure program request

Of the funds requested for capacity and infrastructure programs in excess of the capacity and

infrastructure program critical base funding level, budgetary emphasis should be placed on enhancing funding for—

- (1) 1890 Institutions;
- (2) 1994 Institutions;
- (3) NLGCA Institutions;
- (4) Hispanic-serving agricultural colleges and universities; and
- (5) small 1862 Institutions.

(d) Competitive program request

Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis should be placed on—

- (1) enhancing funding for emerging problems; and
- (2) finding solutions for those problems.

(Pub. L. 110-234, title VII, §7506, May 22, 2008, 122 Stat. 1259; Pub. L. 110-246, §4(a), title VII, §7506, June 18, 2008, 122 Stat. 1664, 2020.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Agricultural Research, Extension, and Education Reform Act of 1998, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

SUBCHAPTER II—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

§ 7621. Repealed. Pub. L. 110-234, title VII, § 7406(b)(1), May 22, 2008, 122 Stat. 1251, and Pub. L. 110-246, § 4(a), title VII, § 7406(b)(1), June 18, 2008, 122 Stat. 1664, 2013

Section, Pub. L. 105-185, title IV, §401, June 23, 1998, 112 Stat. 564; Pub. L. 105-277, div. A, §101(a) [title VII, §753(c)(2)], Oct. 21, 1998, 112 Stat. 2681, 2681-33; Pub. L. 107-171, title VII, §7205(a), May 13, 2002, 116 Stat. 439; Pub. L. 109-171, title I, §1501, Feb. 8, 2006, 120 Stat. 7, related to the Initiative for Future Agriculture and Food Systems.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE OF REPEAL

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Repeal of this section inapplicable to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before June 18, 2008, see section 7406(c) of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 450i of this title.

§ 7622. Repealed. Pub. L. 110-234, title VII, § 7302, May 22, 2008, 122 Stat. 1242, and Pub. L. 110-246, § 4(a), title VII, § 7302, June 18, 2008, 122 Stat. 1664, 2003

Section, Pub. L. 105-185, title IV, § 402, June 23, 1998, 112 Stat. 566; Pub. L. 107-171, title VII, § 7123, May 13, 2002, 116 Stat. 434, related to partnerships for high-value agricultural product quality research.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE OF REPEAL

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7623. Repealed. Pub. L. 110-234, title VII, § 7303, May 22, 2008, 122 Stat. 1242, and Pub. L. 110-246, § 4(a), title VII, § 7303, June 18, 2008, 122 Stat. 1664, 2003

Section, Pub. L. 105-185, title IV, § 403, June 23, 1998, 112 Stat. 567; Pub. L. 107-171, title VII, §§ 7129, 7207(a), May 13, 2002, 116 Stat. 435, 440, related to precision agriculture.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE OF REPEAL

Repeal of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7624. Biobased products

(a) “Biobased product” defined

In this section, the term “biobased product” means a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

(b) Coordination of biobased product activities

The Secretary of Agriculture shall—

(1) coordinate the research, technical expertise, economic information, and market information resources and activities of the Department to develop, commercialize, and promote the use of biobased products;

(2) solicit input from private sector persons who produce, or are interested in producing, biobased products;

(3) provide a centralized contact point for advice and technical assistance for promising and innovative biobased products; and

(4) submit an annual report to Congress describing the coordinated research, marketing, and commercialization activities of the Department relating to biobased products.

(c) Cooperative agreements for biobased products

(1) Agreements authorized

The Secretary may enter into cooperative agreements with private entities described in

subsection (d) of this section, under which the facilities and technical expertise of the Agricultural Research Service and the Forest Service may be made available to operate pilot plants and other large-scale preparation facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application.

(2) Description of cooperative activities

Cooperative activities may include—

(A) research on potential environmental impacts of a biobased product;

(B) methods to reduce the cost of manufacturing a biobased product; and

(C) other appropriate research.

(3) Authority of Secretary

To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.

(d) Eligible partners

The following entities shall be eligible to enter into a cooperative agreement under subsection (c) of this section:

(1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) A recipient of funding from the Biotechnology Research and Development Corporation.

(3) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 638 of title 15.

(e) Pilot project

The Secretary, acting through the Agricultural Research Service, may establish and carry out a pilot project under which grants are provided, on a competitive basis, to scientists of the Agricultural Research Service to—

(1) encourage innovative and collaborative science; and

(2) during each of fiscal years 1999 through 2012, develop biobased products with promising commercial potential.

(f) Source of funds

(1) In general

Except as provided in paragraph (2), to carry out this section, the Secretary may use—

(A) funds appropriated to carry out this section; and

(B) funds otherwise available for cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(2) Exception

The Secretary may not use funds referred to in paragraph (1)(B) to carry out subsection (e) of this section.

(g) Sale of developed products

For the purpose of determining the market potential for new biobased products produced at a

pilot plant or other large-scale preparation facility under a cooperative agreement under this section, the Secretary shall authorize the private partner or partners to the agreement to sell the products.

(h) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.

(Pub. L. 105–185, title IV, § 404, June 23, 1998, 112 Stat. 570; Pub. L. 107–171, title VI, § 6201(d)(4), title VII, § 7124, May 13, 2002, 116 Stat. 419, 434; Pub. L. 110–234, title VII, § 7304, May 22, 2008, 122 Stat. 1242; Pub. L. 110–246, § 4(a), title VII, § 7304, June 18, 2008, 122 Stat. 1664, 2003; Pub. L. 111–88, div. A, title IV, § 431, Oct. 30, 2009, 123 Stat. 2964.)

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (f)(1)(B), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§ 3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2009—Subsec. (c)(1). Pub. L. 111–88, § 431(1), substituted “Agricultural Research Service and the Forest Service” for “Agricultural Research Service”.

Subsec. (c)(3). Pub. L. 111–88, § 431(2), added par. (3).

2008—Subsec. (e)(2). Pub. L. 110–246, § 7304(a), substituted “2012” for “2007”.

Subsec. (h). Pub. L. 110–246, § 7304(b), substituted “2012” for “2007”.

2002—Subsec. (d)(2) to (4). Pub. L. 107–171, § 6201(d)(4), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 5902 of this title.”

Subsec. (e)(2). Pub. L. 107–171, § 7124(a), substituted “2007” for “2001”.

Subsec. (h). Pub. L. 107–171, § 7124(b), substituted “2007” for “2002”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

§ 7625. National Food Safety Training, Education, Extension, Outreach, and Technical Assistance Program

(a) In general

The Secretary shall award grants under this section to carry out the competitive grant program established under section 399c(d)¹ of title 21, pursuant to any memoranda of understanding entered into under such section.

(b) Integrated approach

The grant program described under subsection (a) shall be carried out under this section in a

manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, and conservation and environmental practices.

(c) Priority

In awarding grants under this section, the Secretary shall give priority to projects that target small and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

(d) Program coordination

(1) In general

The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

(2) Interaction

The Secretary shall—

(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

(e) Grants

(1) In general

In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

(2) Encouraged features

The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

(3) Maximum term and size of grant

(A) In general

A grant under this section shall have a term that is not more than 3 years.

(B) Limitation on grant funding

The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

(f) Grant eligibility

(1) In general

To be eligible for a grant under this section, an entity shall be—

(A) a State cooperative extension service;

(B) a Federal, State, local, or tribal agency, a nonprofit community-based or non-governmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit

¹ See References in Text note below.

and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

(C) an institution of higher education (as defined in section 1001(a) of title 20) or a foundation maintained by an institution of higher education;

(D) a collaboration of 2 or more eligible entities described in this subsection; or

(E) such other appropriate entity, as determined by the Secretary.

(2) Multistate partnerships

Grants under this section may be made for projects involving more than 1 State.

(g) Regional balance

In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

(1) geographic diversity; and

(2) diversity of types of agricultural production.

(h) Technical assistance

The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

(i) Best practices and model programs

Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

(j) Authorization of appropriations

For the purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.

(Pub. L. 105–185, title IV, § 405, as added Pub. L. 111–353, title II, § 209(b), Jan. 4, 2011, 124 Stat. 3947.)

REFERENCES IN TEXT

Section 399c(d) of title 21, referred to in subsec. (a), was in the original “section 1011(d) of the Federal Food, Drug, and Cosmetic Act” and was translated as meaning section 1011(d) of the Act as added by Pub. L. 111–353, title II, § 209(a), Jan. 4, 2011, 124 Stat. 3945, to reflect the probable intent of Congress. Another section 1011 of the Federal Food, Drug, and Cosmetic Act as added by Pub. L. 111–148, title III, § 3509(g), Mar. 23, 2010, 124 Stat. 536 is classified to section 399b of Title 21, Food and Drugs, but does not contain a subsec. (d).

PRIOR PROVISIONS

A prior section 7625, Pub. L. 105–185, title IV, § 405, June 23, 1998, 112 Stat. 572; Pub. L. 107–171, title VII, §§ 7130, 7207(b), May 13, 2002, 116 Stat. 435, 440, related to the Thomas Jefferson Initiative for Crop Diversification, prior to repeal by Pub. L. 110–234, title VII, § 7305, May 22, 2008, 122 Stat. 1242, and Pub. L. 110–246, § 4(a), title VII, § 7305, June 18, 2008, 122 Stat. 1664, 2003. Repeal of prior section 7625 and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008.

CONSTRUCTION

Nothing in this section to be construed to apply to certain alcohol-related facilities, to alter jurisdiction

and authorities established under certain other Acts, or in a manner inconsistent with international agreements to which the United States is a party, see sections 2206, 2251, and 2252 of Title 21, Food and Drugs.

§ 7626. Integrated research, education, and extension competitive grants program

(a) Purpose

It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multifunctional agricultural research, extension, and education activities.

(b) Competitive grants authorized

Subject to the availability of appropriations to carry out this section, the Secretary may award grants to colleges and universities (as defined in section 3103 of this title), 1994 Institutions, and Hispanic-serving agricultural colleges and universities on a competitive basis for integrated agricultural research, education, and extension projects in accordance with this section.

(c) Criteria for grants

Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the Advisory Board, that involve integrated research, extension, and education activities.

(d) Matching of funds

(1) General requirement

If a grant under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

(2) Waiver

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(e) Term of grant

A grant under this section shall have a term of not more than 5 years.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.

(Pub. L. 105–185, title IV, § 406, June 23, 1998, 112 Stat. 573; Pub. L. 107–171, title VII, §§ 7125, 7206, May 13, 2002, 116 Stat. 434, 439; Pub. L. 110–234, title VII, §§ 7129(c)(4), 7306, May 22, 2008, 122 Stat. 1227, 1242; Pub. L. 110–246, § 4(a), title VII, §§ 7129(c)(4), 7306, June 18, 2008, 122 Stat. 1664, 1988, 2004.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, § 7129(c)(4), substituted “, 1994 Institutions, and Hispanic-serving agricultural colleges and universities” for “and 1994 Institutions”.

Subsec. (f). Pub. L. 110-246, § 7306, substituted “2012” for “2007”.

2002—Subsec. (b). Pub. L. 107-171, § 7206, inserted “and 1994 Institutions” before “on a competitive basis”.

Subsec. (e). Pub. L. 107-171, § 7125(1), (2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 107-171, § 7125(1), (3), redesignated subsec. (e) as (f) and substituted “2007” for “2002”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7627. Coordinated program of research, extension, and education to improve viability of small and medium size dairy, livestock, and poultry operations

(a) Program authorized

The Secretary of Agriculture may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy, livestock, and poultry operations (referred to in this section as “operations”).

(b) Components

To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) in the case of dairy and livestock operations, research and extension on management-intensive grazing systems for dairy and livestock production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock or poultry systems that increase efficiencies (including improved use of energy inputs), reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk, meat, and poultry production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers on the operations to identify and trans-

fer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

(c) Administration

The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the National Institute of Food and Agriculture and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

(Pub. L. 105-185, title IV, § 407, June 23, 1998, 112 Stat. 573; Pub. L. 107-171, title VII, § 7207(c), May 13, 2002, 116 Stat. 440; Pub. L. 110-234, title VII, § 7511(c)(31), May 22, 2008, 122 Stat. 1270; Pub. L. 110-246, § 4(a), title VII, § 7511(c)(31), June 18, 2008, 122 Stat. 1664, 2032.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, § 7511(c)(31), substituted “National Institute of Food and Agriculture” for “Cooperative State Research, Education, and Extension Service”.

2002—Subsec. (b)(3). Pub. L. 107-171 inserted “(including improved use of energy inputs)” after “poultry systems that increase efficiencies”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(31) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

§ 7628. Support for research regarding diseases of wheat, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*

(a) Research grants authorized

The Secretary of Agriculture may make grants to consortia of land-grant colleges and universities to enhance the ability of the consortia to carry out multi-State research projects aimed at understanding and combating diseases of wheat, triticale, and barley caused by *Fusarium graminearum* and related fungi (referred to in this section as “wheat scab”) or by *Tilletia indica* and related fungi (referred to in this section as “Karnal bunt”).

(b) Research components

Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab or of Karnal bunt, and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat, triticale, and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab or Karnal bunt occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat, triticale, and barley for the presence of Karnal bunt or of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat, triticale, and barley infected with wheat scab or with Karnal bunt; and

(C) milling and food processing techniques to render wheat scab contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat, triticale, and barley to wheat scab and to Karnal bunt, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and Karnal bunt and consideration of other chemical control strategies to assist farmers until new more resistant wheat, triticale, and barley varieties are available.

(c) Communications networks

Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab or Karnal bunt.

(d) Management

To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999 through 2012.

(Pub. L. 105-185, title IV, § 408, June 23, 1998, 112 Stat. 574; Pub. L. 107-171, title VII, §§ 7131, 7207(d)(1)–(4)(A), May 13, 2002, 116 Stat. 435, 440, 441; Pub. L. 110-234, title VII, § 7307, May 22, 2008, 122 Stat. 1242; Pub. L. 110-246, § 4(a), title VII, § 7307, June 18, 2008, 122 Stat. 1664, 2004.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7307(1), substituted “grants” for “grant” in heading.

Subsec. (e). Pub. L. 110-246, § 7307(2), substituted “2012” for “2007”.

2002—Pub. L. 107-171, § 7207(d)(4)(A), substituted “, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*” for “and barley caused by *Fusarium graminearum*” in section catchline.

Subsec. (a). Pub. L. 107-171, § 7207(d)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Secretary of Agriculture may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-

State research project aimed at understanding and combating diseases of wheat and barley caused by *Fusarium graminearum* and related fungi (referred to in this section as ‘wheat scab’).”

Subsec. (b)(1). Pub. L. 107-171, § 7207(d)(2)(A), (B), inserted “or of Karnal bunt,” after “epidemiology of wheat scab” and “, triticale,” after “occurring in wheat”.

Subsec. (b)(2). Pub. L. 107-171, § 7207(d)(2)(C), inserted “or Karnal bunt” after “wheat scab”.

Subsec. (b)(3)(A). Pub. L. 107-171, § 7207(d)(2)(D), substituted “, triticale, and barley for the presence of Karnal bunt or of” for “and barley for the presence of”.

Subsec. (b)(3)(B). Pub. L. 107-171, § 7207(d)(2)(E), substituted “, triticale, and barley infected with wheat scab or with Karnal bunt” for “and barley infected with wheat scab”.

Subsec. (b)(3)(C). Pub. L. 107-171, § 7207(d)(2)(F), inserted “wheat scab” after “to render”.

Subsec. (b)(4). Pub. L. 107-171, § 7207(d)(2)(G), substituted “, triticale, and barley to wheat scab and to Karnal bunt” for “and barley to wheat scab”.

Subsec. (b)(5). Pub. L. 107-171, § 7207(d)(2)(H), inserted “and Karnal bunt” after “wheat scab” and “, triticale,” after “resistant wheat”.

Subsec. (c). Pub. L. 107-171, § 7207(d)(3), inserted “or Karnal bunt” after “wheat scab”.

Subsec. (e). Pub. L. 107-171, § 7131, substituted “such sums as may be necessary” for “\$5,200,000” and “2007” for “2002”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7629. Bovine Johne’s disease control program**(a) Establishment**

The Secretary of Agriculture, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne’s disease in livestock.

(b) Authorization of appropriations

There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for each of fiscal years 2003 through 2012.

(Pub. L. 105-185, title IV, § 409, as added Pub. L. 107-171, title VII, § 7207(e), May 13, 2002, 116 Stat. 441; amended Pub. L. 110-234, title VII, § 7308, May 22, 2008, 122 Stat. 1243; Pub. L. 110-246, § 4(a), title VII, § 7308, June 18, 2008, 122 Stat. 1664, 2004.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, § 7308, substituted “2012” for “2007”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7630. Grants for youth organizations**(a) In general**

The Secretary, acting through the Director of the National Institute of Food and Agriculture, shall make grants to the Girl Scouts of the United States of America, the Boy Scouts of America, the National 4-H Council, and the National FFA Organization to establish pilot projects to expand the programs carried out by the organizations in rural areas and small towns (including, with respect to the National 4-H Council, activities provided for in Public Law 107-19 (115 Stat. 153)).

(b) Flexibility

The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs, are fully met.

(c) Redistribution of funding within organizations authorized

Recipients of funds under this section may redistribute all or part of the funds received to individual councils or local chapters within the councils without further need of approval from the Secretary.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 105-185, title IV, §410, as added Pub. L. 107-171, title VII, §7412, May 13, 2002, 116 Stat. 462; amended Pub. L. 110-234, title VII, §§7309, 7511(c)(32), May 22, 2008, 122 Stat. 1243, 1270; Pub. L. 110-246, §4(a), title VII, §§7309, 7511(c)(32), June 18, 2008, 122 Stat. 1664, 2004, 2032.)

REFERENCES IN TEXT

Pub. L. 107-19, referred to in subsec. (a), is Pub. L. 107-19, July 10, 2001, 115 Stat. 153, which is not classified to the Code.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7511(c)(32), substituted “Director of the National Institute of Food and Agriculture” for “Administrator of the Cooperative State Research, Education, and Extension Service”.

Subsecs. (b) to (d). Pub. L. 110-246, §7309, added subsecs. (b) to (d) and struck out former subsecs. (b) and (c) which related to availability of funds of the Commodity Credit Corporation for fiscal year 2002 and authorization of appropriations for fiscal years 2003 through 2007.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(32) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

§ 7631. Agricultural biotechnology research and development for developing countries**(a) Eligible entity**

In this section, the term “eligible entity” means—

(A) an institution of higher education that offers a curriculum in agriculture or the biosciences;

(B) a nonprofit organization; or

(C) a consortium of for-profit institutions and agricultural research institutions.

(b) Grant program**(1) In general**

The Secretary (acting through the Foreign Agricultural Service) shall establish and administer a program to make competitive grants to eligible entities to develop agricultural biotechnology for developing countries.

(2) Use of funds

Funds provided to an eligible entity under this section may be used for projects that use biotechnology to—

(A) enhance the nutritional content of agricultural products that can be grown in developing countries;

(B) increase the yield and safety of agricultural products that can be grown in developing countries;

(C) increase the yield of agricultural products that are drought- and stress-resistant and that can be grown in developing countries;

(D) extend the growing range of crops that can be grown in developing countries;

(E) enhance the shelf-life of fruits and vegetables grown in developing countries;

(F) develop environmentally sustainable agricultural products that can be grown in developing countries; and

(G) develop vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically-engineered agricultural products.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2002 through 2012.

(Pub. L. 105-185, title IV, §411, as added Pub. L. 107-171, title VII, §7505, May 13, 2002, 116 Stat. 466; amended Pub. L. 110-234, title VII, §7310, May 22, 2008, 122 Stat. 1243; Pub. L. 110-246, §4(a), title VII, §7310, June 18, 2008, 122 Stat. 1664, 2004.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, §7310, substituted “2012” for “2007”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of

Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7632. Specialty crop research initiative

(a) Definitions

In this section:

(1) Initiative

The term “Initiative” means the specialty crop research and extension initiative established by subsection (b).

(2) Specialty crop

The term “specialty crop” has the meaning given that term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

(b) Establishment

There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

(1) research in plant breeding, genetics, and genomics to improve crop characteristics, such as—

(A) product, taste, quality, and appearance;

(B) environmental responses and tolerances;

(C) nutrient management, including plant nutrient uptake efficiency;

(D) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

(E) enhanced phytonutrient content;

(2) efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators;

(3) efforts to improve production efficiency, productivity, and profitability over the long term (including specialty crop policy and marketing);

(4) new innovations and technology, including improved mechanization and technologies that delay or inhibit ripening; and

(5) methods to prevent, detect, monitor, control, and respond to potential food safety hazards in the production and processing of specialty crops, including fresh produce.

(c) Eligible entities

The Secretary may carry out the Initiative through—

(1) Federal agencies;

(2) national laboratories;

(3) colleges and universities;

(4) research institutions and organizations;

(5) private organizations or corporations;

(6) State agricultural experiment stations;

(7) individuals; or

(8) groups consisting of 2 or more entities described in paragraphs (1) through (7).

(d) Research projects

In carrying out this section, the Secretary shall award grants on a competitive basis.

(e) Administration

(1) In general

With respect to grants awarded under subsection (d), the Secretary shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 7613 of this title; and

(C) award grants on the basis of merit, quality, and relevance.

(2) Term

The term of a grant under this section may not exceed 10 years.

(3) Matching funds required

The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

(4) Other conditions

The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

(f) Priorities

In making grants under this section, the Secretary shall provide a higher priority to projects that—

(1) are multistate, multi-institutional, or multidisciplinary; and

(2) include explicit mechanisms to communicate results to producers and the public.

(g) Buildings and facilities

Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

(h) Funding

(1) Mandatory funding for fiscal years 2008 through 2012

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$30,000,000 for fiscal year 2008 and \$50,000,000 for each of fiscal years 2009 through 2012, from which activities under each of paragraphs (1) through (5) of subsection (b) shall be allocated not less than 10 percent.

(2) Authorization of appropriations for fiscal years 2008 through 2012

In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2008 through 2012.

(3) Fiscal year 2013

There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2013.

(4) Transfer

Of the funds made available to the Secretary under paragraph (1) for fiscal year 2008 and authorized for use for payment of administrative expenses under section 3315(a)(3) of this title, the Secretary shall transfer, upon the date of enactment of this section, \$200,000 to the Office of Prevention, Pesticides, and Toxic Substances of the Environmental Protection

Agency for use in conducting a meta-analysis relating to methyl bromide.

(5) Availability

Funds made available pursuant to this subsection for a fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.

(Pub. L. 105–185, title IV, § 412, as added Pub. L. 110–234, title VII, § 7311(a), May 22, 2008, 122 Stat. 1243, and Pub. L. 110–246, § 4(a), title VII, § 7311(a), June 18, 2008, 122 Stat. 1664, 2004; amended Pub. L. 112–240, title VII, § 701(e)(2), Jan. 2, 2013, 126 Stat. 2364.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (h)(4), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2013—Subsec. (h)(1). Pub. L. 112–240, § 701(e)(2)(A), substituted “Mandatory funding for fiscal years 2008 through 2012” for “In general” in heading.

Subsec. (h)(2). Pub. L. 112–240, § 701(e)(2)(B), inserted “for fiscal years 2008 through 2012” after “appropriations” in heading.

Subsec. (h)(3) to (5). Pub. L. 112–240, § 701(e)(2)(C), (D), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112–240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112–240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

COORDINATION OF PROJECTS AND ACTIVITIES

Pub. L. 110–234, title VII, § 7311(b), May 22, 2008, 122 Stat. 1245, and Pub. L. 110–246, § 4(a), title VII, § 7311(b), June 18, 2008, 122 Stat. 1664, 2006, provided that: “In carrying out the amendment made by this section [enacting this section], the Secretary [of Agriculture] shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.”

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of this title.]

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

PART A—MISCELLANEOUS

§ 7641. Patent Culture Collection fees

(1) Retention

All funds collected by the Agricultural Research Service of the Department of Agriculture

in connection with the acceptance of microorganisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection.

(2) Use

The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaties) with respect to the Patent Culture Collection.

(Pub. L. 105–185, title VI, § 601(c), June 23, 1998, 112 Stat. 585.)

§ 7642. Food Animal Residue Avoidance Database program

(a) Continuation of program

The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the “FARAD program”) through contracts, grants, or cooperative agreements with appropriate colleges or universities.

(b) Activities

In carrying out the FARAD program, the Secretary shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 360b(a) of title 21;

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) Contract, grants, and cooperative agreements

The Secretary shall offer to enter into a contract, grant, or cooperative agreement with 1 or

more appropriate colleges and universities to operate the FARAD program. The term of the contract, grant, or cooperative agreement shall be 3 years, with options to extend the term of the contract triennially.

(d) Indirect costs

Federal funds provided by the Secretary under a contract, grant, or cooperative agreement under this section shall be subject to reduction for indirect costs of the recipient of the funds in an amount not to exceed 19 percent of the total Federal funds provided under the contract, grant, or cooperative agreement.

(e) Authorization of appropriations

In addition to any other funds available to carry out subsection (c), there is authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 2008 through 2012.

(Pub. L. 105–185, title VI, § 604, June 23, 1998, 112 Stat. 586; Pub. L. 110–234, title VII, § 7312, May 22, 2008, 122 Stat. 1245; Pub. L. 110–246, § 4(a), title VII, § 7312, June 18, 2008, 122 Stat. 1664, 2006.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (e). Pub. L. 110–246, § 7312, added subsec. (e).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

PART B—GENERAL

§ 7651. Nutrient composition data

(a) In general

The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

(b) Report

Not later than 180 days after June 23, 1998, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

- (1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and
- (2) the timing for updating the data.

(Pub. L. 105–185, title VI, § 611, June 23, 1998, 112 Stat. 605.)

§ 7652. Role of Secretary regarding food and agricultural sciences research and extension

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

(Pub. L. 105–185, title VI, § 613, June 23, 1998, 112 Stat. 605.)

§ 7653. Office of Pest Management Policy

(a) Purpose

The purpose of this section is to establish an Office of Pest Management Policy to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

(b) Establishment of Office; principal responsibilities

The Secretary of Agriculture shall establish in the Department an Office of Pest Management Policy, which shall be responsible for—

- (1) the development and coordination of Department policy on pest management and pesticides;
- (2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding the development, availability, and use of economically and environmentally sound pest management tools and practices;
- (3) assisting other agencies of the Department in fulfilling their responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104–170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and other applicable laws; and
- (4) performing such other functions as may be required by law or prescribed by the Secretary.

(c) Interagency coordination

In support of its responsibilities under subsection (b) of this section, the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

(d) Outreach

The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

(e) Director

The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary, who shall report directly to the Secretary or a designee of the Secretary.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.

(Pub. L. 105–185, title VI, § 614, June 23, 1998, 112 Stat. 605; Pub. L. 107–171, title VII, § 7132, May 13, 2002, 116 Stat. 435; Pub. L. 110–234, title VII, § 7313, May 22, 2008, 122 Stat. 1245; Pub. L. 110–246, § 4(a), title VII, § 7313, June 18, 2008, 122 Stat. 1664, 2006.)

REFERENCES IN TEXT

The Food Quality Protection Act of 1996, referred to in subsec. (b)(3), is Pub. L. 104-170, Aug. 3, 1996, 110 Stat. 1489. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 136 of this title and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (b)(3), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (b)(3), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-246, §7313, substituted “2012” for “2007”.

2002—Subsec. (f). Pub. L. 107-171 substituted “2007” for “2002”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 7654. Food Safety Research Information Office**(a) Establishment**

The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library.

(b) Purpose

The Office shall provide to the research community and the general public information on publicly funded, and to the maximum extent practicable, privately funded food safety research initiatives for the purpose of—

- (1) preventing unintended duplication of food safety research; and
- (2) assisting the executive and legislative branches of the Federal Government and private research entities to assess food safety research needs and priorities.

(c) Cooperation

The Office shall carry out this section in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and, on a voluntary basis, private research entities.

(Pub. L. 105-185, title VI, §615, June 23, 1998, 112 Stat. 606; Pub. L. 107-171, title VII, §7301(a), (b)(1), May 13, 2002, 116 Stat. 454.)

AMENDMENTS

2002—Pub. L. 107-171 struck out “and national conference” after “Information Office” in section catchline, struck out subsec. (a) designation and heading, re-

designated pars. (1) to (3) of former subsec. (a) as subsecs. (a) to (c), respectively, and subpars. (A) and (B) of former par. (2) as pars. (1) and (2) of subsec. (b), respectively, realigned margins, substituted “this section” for “this subsection” in subsec. (c), and struck out former subsecs. (b) and (c) which related to national conference and annual workshops and food safety report, respectively.

§ 7655. Safe food handling education

The Secretary of Agriculture shall continue to develop a national program of safe food handling education for adults and young people to reduce the risk of food-borne illness. The national program shall be suitable for adoption and implementation through State cooperative extension services and school-based education programs.

(Pub. L. 105-185, title VI, §616, June 23, 1998, 112 Stat. 606.)

§ 7655a. Food safety education initiatives**(a) Initiative authorized**

The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

- (1) scientifically proven practices for reducing microbial pathogens on fresh produce; and
- (2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) Cooperation

The Secretary may carry out the education program in cooperation with public and private partners.

(c) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(Pub. L. 110-234, title X, §10105, May 22, 2008, 122 Stat. 1336; Pub. L. 110-246, §4(a), title X, §10105, June 18, 2008, 122 Stat. 1664, 2098.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Agricultural Research, Extension, and Education Reform Act of 1998, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

§ 7656. Designation of Crisis Management Team within Department**(a) Designation of Crisis Management Team**

The Secretary of Agriculture shall designate a Crisis Management Team within the Department of Agriculture, which shall be—

- (1) composed of senior departmental personnel with strong subject matter expertise se-

lected from each relevant agency of the Department; and

(2) headed by a team leader with management and communications skills.

(b) Duties of Crisis Management Team

The Crisis Management Team shall be responsible for the following:

(1) Developing a Department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations, and developing written procedures for the implementation of the crisis management plan.

(2) Conducting periodic reviews and revisions of the crisis management plan and procedures developed under paragraph (1).

(3) Ensuring compliance with crisis management procedures by personnel of the Department and ensuring that appropriate Department personnel are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of members of the Crisis Management Team.

(4) Coordinating the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team.

(5) Ensuring that Department spokespersons convey accurate, timely, and scientifically sound information regarding crises or potential crises that can be easily understood by the general public.

(6) Cooperating with, and coordinating among, other Federal agencies, States, local governments, industry, and public interest groups, Department activities regarding a crisis.

(c) Role in prioritizing certain research

The Crisis Management Team shall cooperate with the Advisory Board in the prioritization of agricultural research conducted or funded by the Department regarding animal health, natural disasters, food safety, and other agricultural issues.

(d) Cooperative agreements

The Secretary shall seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis, such as, in the case of a threat to human health from food-borne pathogens, developing a rapid and coordinated response among the Department, the Centers for Disease Control, and the Food and Drug Administration.

(Pub. L. 105-185, title VI, §618, June 23, 1998, 112 Stat. 607.)

§ 7657. Senior Scientific Research Service

(a) In general

There is established in the Department of Agriculture the Senior Scientific Research Service (referred to in this section as the "Service").

(b) Members

(1) In general

Subject to paragraphs (2) through (4), the Secretary shall appoint the members of the Service.

(2) Qualifications

To be eligible for appointment to the Service, an individual shall—

(A) have conducted outstanding research in the field of agriculture or forestry;

(B) have earned a doctoral level degree at an institution of higher education (as defined in section 1001 of title 20); and

(C) meet qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a position at level GS-15 of the General Schedule.

(3) Number

Not more than 100 individuals may serve as members of the Service at any 1 time.

(4) Other requirements

(A) In general

Subject to subparagraph (B) and subsection (d)(2) of this section, the Secretary may appoint and employ a member of the Service without regard to—

(i) the provisions of title 5 governing appointments in the competitive service;

(ii) the provisions of subchapter I of chapter 35 of title 5 relating to retention preference;

(iii) the provisions of chapter 43 of title 5 relating to performance appraisal and performance actions;

(iv) the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates; and

(v) the provisions of chapter 75 of title 5 relating to adverse actions.

(B) Exception

A member of the Service appointed and employed by the Secretary under subparagraph (A) shall have the same right of appeal to the Merit Systems Protection Board and the same right to file a complaint with the Office of Special Counsel as an employee appointed to a position at level GS-15 of the General Schedule.

(c) Performance appraisal system

The Secretary shall develop a performance appraisal system for members of the Service that is designed to—

(1) provide for the systematic appraisal of the employment performance of the members; and

(2) encourage excellence in employment performance by the members.

(d) Compensation

(1) In general

Subject to paragraph (2), the Secretary shall determine the compensation of members of the Service.

(2) Limitations

The rate of pay for a member of the Service shall—

(A) not be less than the minimum rate payable for a position at level GS-15 of the General Schedule; and

(B) not be more than the rate payable for a position at level I of the Executive Schedule, unless the rate is approved by the President under section 5377(d)(2) of title 5.

(e) Retirement contributions

(1) In general

On the request of a member of the Service who was an employee of an institution of higher education (as defined in section 1001 of title 20) immediately prior to appointment as a member of the Service and who retains the right to continue to make contributions to the retirement system of the institution, the Secretary may contribute an amount not to exceed 10 percent of the basic pay of the member to the retirement system of the institution on behalf of the member.

(2) Federal retirement system

(A) In general

Subject to subparagraph (B), a member for whom a contribution is made under paragraph (1) shall not, as a result of serving as a member of the Service, be covered by, or earn service credit under, chapter 83 or 84 of title 5.

(B) Annual leave

Service of a member of the Service described in subparagraph (A) shall be creditable for determining years of service under section 6303(a) of title 5.

(f) Involuntary separation

(1) In general

Subject to paragraph (2) and notwithstanding the provisions of title 5 governing appointment in the competitive service, in the case of an individual who is separated from the Service involuntarily and without cause—

(A) the Secretary may appoint the individual to a position in the competitive civil service at level GS-15 of the General Schedule; and

(B) the appointment shall be a career appointment.

(2) Excepted civil service

In the case of an individual described in paragraph (1) who immediately prior to appointment as a member of the Service was not a career appointee in the civil service or the Senior Executive Service, the appointment of the individual under paragraph (1)—

(A) shall be to the excepted civil service; and

(B) may not exceed a period of 2 years.

(Pub. L. 105-185, title VI, § 620, as added Pub. L. 107-171, title VII, § 7219, May 13, 2002, 116 Stat. 449.)

REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (b)(2)(C), (4)(A)(iv), (B), (d)(2)(A), and (f)(1)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

Level I of the Executive Schedule, referred to in subsec. (d)(2)(B), is set out in section 5312 of Title 5, Government Organization and Employees.

PART C—STUDIES

§ 7671. Evaluation and assessment of agricultural research, extension, and education programs

(a) Evaluation

The Secretary of Agriculture shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

(b) Contract

The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

(c) Guidelines for performance measurement

The contractor selected under subsection (b) of this section shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103-62) and amendments made by that Act.

(Pub. L. 105-185, title VI, § 631, June 23, 1998, 112 Stat. 608.)

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (c), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

§ 7672. Study of federally funded agricultural research, extension, and education

(a) Study

Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

(b) Requirements

The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various

regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

(c) Reports

The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b) of this section, including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3) and (4) of subsection (b) of this section, including the recommendations developed under paragraph (3) of subsection (b) of this section and other appropriate recommendations.

(Pub. L. 105–185, title VI, § 632, June 23, 1998, 112 Stat. 608.)

REFERENCES IN TEXT

The Smith-Lever Act, referred to in subsec. (b)(3), is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, which is classified generally to subchapter IV (§ 341 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 341 of this title and Tables.

The Hatch Act of 1887, referred to in subsec. (b)(3), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of this title. For complete classification of this act to the Code, see Short Title note set out under section 361a of this title and Tables.

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§ 7701. Findings

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;

(3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds;

(4) decisions affecting imports, exports, and interstate movement of products regulated under this chapter shall be based on sound science;

(5) the smooth movement of enterable plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the United State's¹ economy and should be facilitated to the extent possible;

(6) export markets could be severely impacted by the introduction or spread of plant

¹ So in original.